

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

STATE OF CONNECTICUT

REGULATION
OF

Department of Energy and Environmental Protection

Technical Change to Numbering for Section 26-86a-11 to Section 26-86a-12 of the Regulations of Connecticut State Agencies

Proposed amendments to section 26-86a-11 of the Regulations of Connecticut State Agencies

Section 1. Section 26-86a-11 of the Regulations of Connecticut State Agencies will remain as follows:

Sec. 26-86a-11. Deer management for Bluff Point

(a) Hunting at Bluff Point. No person shall hunt at Bluff Point Coastal Reserve except for deer pursuant to an authorization lawfully obtained from the Commissioner under this section of the Regulations of Connecticut State Agencies. All deer hunting at Bluff Point shall be conducted in accordance with subsections (d), (e), (f), (h), (I), (l) and (m) of section 26-66-1, section 26-86a- 3 and this section of the Regulations of Connecticut State Agencies.

(b) Seasons for deer hunting, hours and deer hunting closure procedures.

- (1) Through the issuance of press releases or using similar means, the Commissioner may declare a deer hunting season when the deer population as estimated by the Commissioner in November preceding the calendar year in which a hunt will occur exceeds by at least ten deer the population goal established under subsection (c) of this section. The Commissioner shall estimate the deer population on the basis of aerial survey data, night spotlight data, and any other scientifically recognized deer population survey methods that the Commissioner deems appropriate.
- (2) If the Commissioner declares a deer hunting season, it may run for up to, but no more than, 20 days beginning no earlier than the first Monday in January and ending no later than the last day of March. During any such season, no person shall hunt on Sunday if such hunting is prohibited by law.
- (3) The Commissioner shall close a deer hunting season when 90 percent of the harvest quota has been tagged at the check station. If 90 percent of the harvest quota is reached prior to 12:00 noon, the season shall close at sunset of that day. If 90 percent of the quota is reached after 12:00 noon, the season shall close at 12:00 noon on the following day. Upon conclusion of the deer hunting season, all permits issued for that season by the Commissioner for deer hunting at Bluff Point Coastal Reserve shall be null and void.
- (4) The hours for hunting deer during a deer hunting season shall be from one half hour before sunrise until sunset.
- (5) During a deer hunting season no person shall enter Bluff Point State Park or Bluff Point Coastal Reserve except for persons with lawful authorization from the Commissioner issued in connection with the taking of deer or state personnel engaged in the performance of their duties.

(c) Population goals and hunting quotas.

- (1) Each year the Commissioner shall establish a deer population goal. The Commissioner shall establish such goal considering (A) any biological data collected from deer harvested at Bluff

Point Coastal Reserve in previous years, (B) any data collected during field research at Bluff Point Coastal Reserve, and (C) any other relevant data or information, including, without limitation, vegetation conditions and deer health. The Commissioner's policy in establishing a deer population goal is to maintain the deer herd at a level consistent with sound principles of wildlife management, which include the health of the deer and of the Bluff Point Coastal Reserve ecosystem. For the first year following the effective date of this section, the Commissioner shall establish a deer population goal of 25. Thereafter, the Commissioner shall establish the deer population goal in accordance with the policy and procedures described in this subsection.

- (2) Each year in which the Commissioner declares a deer hunting season, he shall establish a deer harvest quota. The deer harvest quota shall be the number of deer which is equal to the Commissioner's deer population estimate minus the deer population goal.
- (3) In any year in which there has been a deer hunting season but the deer harvest quota has not been achieved, the Commissioner may take as many deer as necessary to achieve such quota. In any year in which there has not been a hunting season but the deer population exceeds the deer population goal, the Commissioner may take as many deer as necessary to achieve such goal. The Commissioner may take deer pursuant to this subsection and he may close Bluff Point State Park and Bluff Point Coastal Reserve for such purpose or he may take deer during hours when Bluff Point State Park and Bluff Point Coastal reserve are not open to the public.

The Commissioner may use any legal method for any such taking.

(d) Restrictions on hunters. The Commissioner may limit the number of persons allowed on any day to hunt deer, and at no time shall that number exceed 30. Only graduates of Connecticut's Conservation Education/Firearms Safety program or an equivalent training program from another state or governmental entity and who possess a current valid Connecticut hunting license shall be eligible to receive a permit from the Commissioner to hunt deer at Bluff Point Coastal Reserve.

(e) Check station and reporting.

- (1) Any person engaged in deer hunting shall, prior to beginning hunting on any day, check in at the Department of Environmental Protection Bluff Point Coastal Reserve deer check station and, after completing hunting on such day, check out at such station.
- (2) Any person who takes a deer shall register such deer, and have a metal possession seal affixed thereto, at the official Bluff Point Coastal Reserve deer check station. Such deer shall be registered on the same date taken. No person shall register, or allow to be registered in his name, any deer which such person did not lawfully take. Employees of the Department of Environmental Protection may collect biological data, including removing teeth, jaws, or organs, from any deer registered at the Department of Environmental Protection deer check station for scientific or management purposes. No person shall hinder or interfere with the collection of such biological data.

(f) Firearms and ammunition. No person shall hunt deer except with a 12, 16, or 20 gauge smooth or rifled bore shotgun using ammunition loaded with a single soft alloy projectile. Any shotgun used to hunt deer shall be capable of carrying no more than three shells and shall be plugged with a one piece filler that cannot be removed unless the gun is disassembled.

(g) Clothing color requirements. No person shall hunt, pursue, wound or kill any deer during a deer hunting season at Bluff Point Coastal Reserve unless such person is wearing at least 400 square inches of fluorescent orange clothing visible from all sides.

(h) Permits and tags.

- (1) No person shall apply for or be issued more than one permit to hunt deer at Bluff Point Coastal Reserve in a calendar year. The Commissioner shall issue permits for deer hunting at Bluff Point Coastal Reserve on the basis of a random selection of completed applications by applicants who possess a current valid Connecticut hunting license and who have completed Connecticut's Conservation Education/Firearms Safety Course or an equivalent training

program from another state or governmental entity. Prior to selecting applicants, the Commissioner shall determine the number of permits to be issued. For the first deer hunting season following the effective date of this section, if the deer harvest quota is 49 or less deer, up to 200 permits will be issued, and if the deer harvest quota is 50 or more deer, up to 360 permits will be issued; thereafter, the Commissioner may make reasonable adjustments to the number of permits to be issued based upon experience from prior hunts, the factors set forth in subsection 26-86a-11(c)(1) of the Regulations of Connecticut State Agencies or any other factor aimed at promoting, or consistent with, sound principles of wildlife management.

- (2) Any permit issued pursuant to this section shall contain conditions reasonably deemed necessary by the Commissioner relating to the hunt. These conditions may include the number of days a person can hunt, the number of deer a person may take, the locations or areas within which a person can hunt, the allowable or non-allowable hunting methods or any condition related to the safety of the hunt.
- (3) Each person who takes a deer shall, immediately upon taking such deer, detach a deer tag from his permit, punch out and remove the proper areas on the tag indicating the month and day the deer was killed, and immediately attach the tag to the carcass.
- (4) No person shall (A) change or alter a permit issued by the Commissioner to hunt deer or a deer tag, (B) loan a permit or tag issued to himself to another person or allow another person to have or use such permit or tag, or (C) use any permit or tag issued to another.
- (5) The Commissioner shall not issue to any person more than one deer hunting permit during any calendar year, except that the Commissioner may issue a replacement deer hunting permit to a permittee if such permittee makes a complete application therefore, pays the application fee established under section 26-86a of the general statutes, and demonstrates that the original permit has been lost, destroyed or mutilated beyond recognition.
- (6) False or misleading information contained in an application for a deer hunting permit or replacement deer hunting permit shall be cause for the Commissioner to deny such application or revoke a permit issued pursuant to such permit.
- (i) Definitions. For the purposes of subsection 26-86a-11(a)-(h) of the Regulations of Connecticut State Agencies:
 - "Check station" means the Department of Environmental Protection's deer check station at Bluff Point Coastal Reserve.
 - "Commissioner" is defined as in section 22a-2 of the general statutes.
 - "Person" is defined as in section 22a-2 of the general statutes.
 - "Taking" is defined as in section 26-1 of the general statutes.

Sec. 2. Section 26-86a-11 of the Regulations of Connecticut State Agencies is amended as follows:

[Section 26-86a-11] Section 26-86a-12. Method of Take

- (a) No person shall use a deer decoy to take or attempt to take any deer during the firearms deer hunting seasons as defined in subdivisions (4), (5), (6), (7) or (8) of section 26-86a-6(b).
- (b) No person shall transport a deer decoy during the bow and arrow deer season, as defined in subdivisions (1), (2) and (3) of section 26-86a-6(b), unless such decoy displays at least 400 square inches of fluorescent material visible from all sides.

STATEMENT OF PURPOSE: According to Commission on Official Legal Publications (COLP), Section 26-86a-11 is assigned to two different topics. In 1995, section 26-86a-11 was assigned to the issue of “Deer management on Bluff Point.” Then, in 1996, before this section was codified, another new section was passed entitled, “Method of Take” and this section was also assigned section 26-86a-11. Somewhere between 1995 and now, “Method of Take” was correctly changed to section 26-86a-12. However, COLP has no record of this occurring. Therefore a technical change to the regulation is required.

CERTIFICATION*This certification statement must be completed in full, including items 3 and 4, if they are applicable.*

- 1) I hereby certify that the above (check one) ☐ Regulations ☐ Emergency Regulations
- 2) are (check all that apply) ☐ adopted ☐ amended ☐ repealed by this agency pursuant to the following authority(ies): (complete all that apply)
- a. Connecticut General Statutes section(s) _____.
- b. Public Act Number(s) _____.
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on _____;
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on _____;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are **EFFECTIVE** (check one, and complete as applicable)
- ☐ When filed with the Secretary of the State
- OR ☐ on (insert date) _____

DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

- ☐ Approved ☐ Rejected without prejudice
- ☐ Approved with technical corrections ☐ Disapproved in part, (Indicate Section Numbers disapproved only)
- ☐ Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2.
 - a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
 - b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.